

**REMARKS**

Claims 16-35 are now pending in this application. Claims 16-26 and 28-34 are rejected. Claim 27 appears to recite allowable subject matter, as it has been objected to for being dependent upon a rejected base claim and intervening claim. Claim 29 is objected to as being dependent upon a canceled claim. Claims 1-16 are previously cancelled. No additional claims are cancelled. New claim 35 is added. Claim 1 is amended herein to clarify the invention. Claim 27 is rewritten in independent format including all the limitations of the rejected base claim and intervening claim. Claim 29 is amended to depend from claim 16.

Applicants respectfully submit that, upon entry of the subject amendment, the application will be in condition for allowance. Applicants, thus, respectfully request consideration of the above amendment and following remarks.

**Subject Matter of the Claimed Invention**

The subject matter of the claimed invention is directed to an automatic guideway system serving vehicles dedicated to travelling within the system and vehicles which may enter and exit the guideway system. The system-specific vehicles and the system-departable vehicles each include an energy take-off and guidance device. The guideway system includes a

transmission route made of separately arrangeable, solid, guideway elements having bearing surfaces for accommodating the vehicles. The system also includes an energy supplying and guiding system which serves both to supply energy to the vehicles and to guide the vehicles along the guideway elements. The energy supplying and guiding system is positioned along the transmission route and disposed either one of in or between bearing surfaces, so as to be traversed from above by the vehicles – even in areas where there are intersections, junctions, entrances and exits.

Each vehicle's energy take-off and guiding device is movable relative to the rest of the vehicle so as to move into and out of mechanical contact with the underlying energy supplying and guiding system in the guideway element. While mechanical contact is made, the vehicle may access energy from and be guided by the energy supplying and guiding system.

### Section 103 Rejections

Claims 16-20 and 28-34 are rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,619,212 (hereinafter referred to as Stephan et al.)

Claim 21 is rejected under 35 U.S.C. §103(a) as being unpatentable over Stephan et al. in view of U.S. Patent No. 5,469,932 (hereinafter referred to as McNair).

Claims 22-25 are rejected under 35 U.S.C. §103(a) as being unpatentable over Stephan et al. in view of U.S. Patent No. 6,820,923 (hereinafter referred to as Bock).

Claims 26 is rejected under 35 U.S.C. §103(a) as being unpatentable over Stephan et al. in view of U.S. Patent No. 6,177,185 (hereinafter referred to as Face, Jr.).

The primary reference cited against each of the rejected claims is the Stephan et al. reference. **Stephan et al.** disclose a method for propelling a

vehicle on a guideway system. The vehicle includes a first element of a linear induction motor and an alternate power source (Col. 1, lines 44-46). The alternate power source 87 may be an internal combustion engine, electric motor, or fuel cell for propelling the vehicle along a conventional roadway 24, (Col. 6, lines 28-33). The first element 88 is formed by a thin, reaction plate, (Col. 6, lines 40-43).

The guideway system has a computer control system, an acceleration section and a main section, (Col. 1, lines 46-48). Also included, at the acceleration section, is a second element of a linear induction motor. It is noted that the first and second elements of the induction motor are not disclosed as making mechanical contact, nor of moving into and out of mechanical contact.

Upon a vehicle entering a guideway entrance 26, control of the vehicle is passed to the guideway entrance's cell controller 56, (Col. 8, lines 17-19). While the vehicle is on the acceleration section of the guideway system, the first element and second element cooperate to accelerate the vehicle, (Col. 1, lines 48-51). While the vehicle is on the main section, the computer control system provides speed instructions to cause the vehicle to use the alternate power source to maintain a desired cruising speed, (Col. 1, lines 51-55; Col. 12, lines 24-34).

In the embodiment of Figures 13-14, the guideway system 12 may provide continuous propulsion (rather than instructing the alternative power source to supply power). In such embodiment cable assemblies 154 extend along the sides

of the guideway lanes (Col. 16, lines 10-11) elevated relative to the guideway surface, (Figure 13). In such embodiment, the vehicle includes a transformer 172 movable along the guideway cable assembly 154 as the vehicle traverse the guideway. It is noted that the transformer does not move into and out of mechanical contact with the cable assembly. It also is noted that the cable does not act as both an energy source and a vehicle guide.

The Claims Distinguished

**Claim 16** distinguishes over the cited art based at least upon the following claim limitations:

- an energy supplying and guiding system, positioned along at least parts of the transmission route and **disposed either one of in or between bearing surfaces, that serves both as an energy supply** for powering the first and second vehicles **and as a guide** for guiding the first and second vehicles, wherein the energy supplying and guiding system is **traversed** from above by any of the first and second vehicles, **even in areas of transmission route entrances, exits, intersections, and junctions;** and

- each of said first and second energy take-off and guiding devices being movable relative to the corresponding first and second vehicle to move into and out of mechanical contact with the energy supplying and guiding system, wherein while in said mechanical contact the corresponding first or second vehicle may access energy from and be guided by the energy supplying and guiding system.

It is respectfully submitted that the cited art does not disclose an apparatus disposed in or between bearing surfaces that serves both as an energy supply and vehicle guide. In particular Stephan et al.'s tire strips 66 serve only as a guide aid, while the reaction plates 168 serve only as elements of a linear induction motor. Further each cable segment 158 is not located in or between bearing surfaces. Further, the vehicles disclosed by Stephan et al. do not have an energy take-off and guiding device that is movable relative to its vehicle to move into and out of mechanical contact with an energy supplying and guiding system.

**Claims 17-26, 28-34** ultimately depend from claim 16 and distinguish over the cited art based at least upon the same reasons as discussed above for claim 16.

**Claim 18** further distinguishes over the cited art based at least upon the following claim limitations:

- wherein guideway elements are arranged into a **parallel pair of driving bridges**, each one of said first vehicles and second vehicles travelling in both bridges of said bridge pairs, each bridge having a concave cross-sectional portion accommodating one or more wheels, wherein **all contact between the accommodated wheels and the bridges occurs only within the concave cross-sectional portions.**

It is respectfully submitted that the cited art does not disclose pairs of guideway bridges, each vehicle travelling in both bridges of the pair. Further, the cited art does not disclose wheel contact only occurring within a concave cross sectional portion of a bridge. In Stephan et al. the wheel contact with the tire strip 66 only occurs for a portion of the wheel surface contacting the roadway, (i.e., all contact between wheel and road does not occur within the tire strip).

#### New Claim 35

**New claim 35** ultimately depends from claim 16 and distinguishes over the cited art based at least upon the same reasons as discussed above for claim 16. New claim 35 adds the same limitations as previously presented claims 26-27. Accordingly, because claim 27 is allowable it is respectfully submitted that new claim 35 is allowable at least for the same reasons as claim 27.

**REQUEST FOR EXTENSION OF TIME**

Applicants respectfully request a two month extension of time for responding to the Office Action. **The fee of \$490 for the extension is provided for in the charge authorization presented in the PTO Form 2038, Credit Card Payment form, provided herewith.**

If there is any discrepancy between the fee(s) due and the fee payment authorized in the Credit Card Payment Form PTO-2038 or the Form PTO-2038 is missing or fee payment via the Form PTO-2038 cannot be processed, the USPTO is hereby authorized to charge any fee(s) or fee(s) deficiency or credit any excess payment to Deposit Account No. 10-1250.

In light of the foregoing, the application is now believed to be in proper form for allowance of all claims and notice to that effect is earnestly solicited.

Respectfully submitted,

JORDAN AND HAMBURG LLP

By Frank J. Jordan  
Frank J. Jordan  
Reg. No. 20,456  
Attorney for Applicant

Jordan and Hamburg LLP  
122 East 42nd Street  
New York, New York 10168  
(212) 986-2340

FJJ/SPK/cj  
Enc: Form PTO-2038